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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/384,315	08/27/1999	ALAIN BOUILLLOUX	ATOCM-154	7591

23599 7590 10/23/2002

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EXAMINER

SELLERS, ROBERT E

ART UNIT	PAPER NUMBER
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1712

20

DATE MAILED: 10/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/384,315

Applicant(s)

BOUILLOUX ET AL.

Examiner

Robert Sellers

Art Unit

1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 20-34 and 36-44 is/are pending in the application.
- 4a) Of the above claim(s) 21, 22, 24-29, 31, 33, 34, 36, 37, 39, 40 and 42-44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20, 23, 30, 32, 38 and 41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

This is responsive to the Continued Prosecution Application and amendment filed August 20, 2002 (Paper Nos. 18 and 19).

Claims 21, 22, 24-29, 31, 33, 34, 36, 37, 39 and 42-44 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a non-elected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 6.

The 35 U.S.C. 112, first paragraph, rejection advanced in the Final rejection mailed February 20, 2002 (Paper No. 13) is resolved by the definition of (A) and (C) as copolymers in independent claims 20 and 41.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 20, 23, 30, 32, 38 and 41 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Independent claims 20 and 41 in lines 3-4 denote "(A) a copolymer of an unsaturated epoxide or a polyolefin grafted with an unsaturated epoxide and having 2 epoxide functional groups."

The specification on page 3, lines 16-18 and page 4, lines 22-24 as modified in the amendment filed July 13, 2001 (Paper No. 10, page 2) describes either a copolymer of ethylene and an unsaturated epoxide or a polyolefin grafted with an unsaturated epoxide, or "a product having two epoxide functional groups, such as, for example, bisphenol A diglycidyl ether (BADGE)." There is no enablement for the claimed copolymer (A) "having 2 epoxide functional groups" since the 2 epoxide groups are specific to the bisphenol A diglycidyl ether which is not a species embraced by the claimed unsaturated epoxide copolymer or unsaturated epoxide-grafted polyolefin. The copolymer and polyolefin would contain multiple epoxide groups based on the extent of copolymerization or grafting with the unsaturated epoxide which exceeds the claimed limit of two. The deletion of the phrase "and having 2 epoxide functional groups" from claims 20 and 41, line 4 would obviate this issue.

The specification does not enable the copolymer (C) of an  $\alpha,\beta$ -aminocarboxylic acid required in independent claims 20 and 41, line 6. Page 5, lines 22-24 discloses  $\alpha,\beta$ -aminocarboxylic acid compounds, not a copolymer derived therefrom. The insertion of a comma between the word "acid" and "or" in claims 20 and 41, line 6 (as well as line 5 of withdrawn claims 21 and 42) would resolve this problem. Note that new withdrawn claim 44 defines the non-enabled "copolymer made from  $\alpha,\beta$ -aminocarboxylic acid" which should be stricken.

Claims 20, 23, 30, 32, 38 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spelthann.

The rejection is maintained for the reasons of record set forth in the previous Office actions since no new amendments and or arguments germane to the teachings of the reference have been presented since the amendment filed June 20, 2002 (Paper No. 15) which has been entered.

(703) 308-2399 (Fax no. (703) 872-9310)  
Monday to Friday from 9:30 to 6:00 EST

A handwritten signature in black ink, appearing to read 'Robert Sellers', with a stylized flourish at the end.

Robert Sellers  
Primary Examiner  
Art Unit 1712